IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 29800 of 2006(V)

AGAINST THE ORDER IN IA.3264/2006 IN
OS.39/1988 of PRL.SUB COURT,TRIVANDRUM

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PETITIONER: PLAINTIFF

ALEXANDER VADAKKEDAM,
S/O.M.G.ALEXANDER, PRESIDENT,
ASWATHY HOUSING PRIVATE LIMITED,
PANICKER BUILDING, N.H.ROAD,
KAZHAKKOOTTAM, THIRUVANANTHAPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: DEFENDANTS

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1. THE STATE BANK OF INDIA,
OVERSEAS BRANCH, WILLINGTON ISLAND,
KOCHI-3.

2. THE SUB REGISTRAR,
SUB REGISTRY OFFICE,
KAZHAKKOOTTAM, THIRUVANANTHAPURAM.

BY ADVOCATE SRI.GOERGE THOMAS (MEVADA) -SC,SBI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.29800 OF 2006

DATED THIS THE 27th DAY OF NOVEMBER, 2006

JUDGMENT

Petitioner is the legal heir of judgment debtor in O.S. 38/1988 on the file of Sub Court, Kochi. Judgment debtor is no more. First respondent is the decree holder. For realisation of the amount, the decree was transferred to Sub Court, Thiruvananthapuram as per order in E.P.189/95 on the file of Sub Court, Kochi. Subsequent to the transfer, the property of petitioner was attached by the executing Court-Sub Court,Thiruvananthapuram. Petitioner paid the entire decree debt. But the order of attachment was not raised. Petitioner therefore filed I.A.3264/06 before Sub Court, Thiruvananthapuram seeking an order to communicate the fact regarding closure of the execution petition to Sub Registry office, Kazhakoottam. Ex.P3 is the copy of the application. This petition is filed under Article 227 of constitution of India seeking a direction to Sub Judge, Thiruvananthapuram to communicate the raising of attachment order, in view of the satisfaction of the decree in E.P.189/95 on the file of Sub Court, Kochi. Evidently petitioner filed Ext.P3 application in O.S.39/1988 on the file of Sub court, Thiruvananthapuram, it cannot be the suit on the file of Sub Court, Kochi whereunder the decree was passed. It could be for

that reason, Sub Court, Thiruvananthapuram did not take any action in Ext.P3 application.

2. First respondent decree holder appeared through Advocate Mr. George Thomas (Mevada) and filed a statement dated 27.11.06 stating that first respondent has realised the amount due from the petitioner and decree holder Bank has no objection for releasing the attachment as prayed for.

In view of the said statement, Principal Sub Judge, Thiruvananthapuram is directed to communicate to Sub Registrar, Kazhakoottam that, the decree in O.S.39/88 has been satisfied and hence the order of attachment is raised.

M.SASIDHARAN NAMBIAR,JUDGE

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